

**CITY OF WILLIAMSTON
CITY COUNCIL
AUGUST 25, 2008
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:02 p.m. in the City Hall Council Chambers by Mayor Michelle Hyne and the Pledge of Allegiance was recited.

3. Roll Call:

Mayor Michelle Hyne, Mayor Pro-tem John Pratt, Council Members Michael Moody, Carmen Siciliano, Scott VanAllsburg, and Ken Zichi. Absent: Traci Smith.

Also Present:

City Manager Lisa Hitchcock, City Attorney Dave Stoker, Police Chief Mark Hetfield, Deputy Treasurer Geral Jeffrey, Enterprise Reporter Brad Ritter, JFM Productions, Habitat Representative Todd Pierce-Ryan, citizens Teresa Wood, Brooke Locke, Kathleen DeForest, Emily Siciliano, Ryan Sweeder, Earl Wolf, Todd Carlisle, Terri Campbell, Larry Wittrup, Lisa Sawaya, Mike Herter, Melanie Schall, and other members of the public.

Motion by **Pratt**, second by **Moody**, to excuse Smith. **Motion passed by voice vote.**

4. Approval of Agenda:

Councilman Pratt requested that item 8b. be moved to item 9d.

Motion by **Moody**, second by **Zichi**, to allow Terri Campbell to speak. **Motion passed by voice vote.**

Terri Campbell asked that 8b. stay on as an action item. She believes Councilman VanAllsburg made it very clear at the last Council meeting how the Planning Commission felt. If there were concerns, Council could have been proactive and contacted the Planning Commissioners themselves.

Councilman Moody commented that he felt that he could act on the item, but would also like to review the information.

Motion by **Moody**, second by **Siciliano**, to allow Larry Wittrup and Lisa Sawaya to speak. **Motion passed by voice vote.**

Larry Wittrup, 414 S. Circle Dr., commented that the question is whether they want to act on the item without the backup information or would they like the Council to attend the Planning Commission meeting on September 4 and discuss it and act on it the first meeting in September. If the Council has questions they should talk to the Planning Commission.

Lisa Sawaya, 415 High St., agreed with Mr. Wittrup and added that they would be welcome to attend the Planning Commission meeting.

Councilman Pratt asked if the Council could attend the Planning Commission meeting.

Attorney Stoker responded that if a quorum of the Council would be in attendance it would need to be posted.

Motion by **Moody**, second by **VanAllsburg**, to move action item 8b. to 9d. Yes: VanAllsburg, Hyne, Moody, Siciliano. No: Zichi, Pratt. **Motion passed.**

Motion by **Siciliano**, second by **VanAllsburg**, to approve the agenda as amended. **Motion passed by voice vote with Pratt voting no.**

5. Audience Participation:

Larry Wittrup, 414 S. Circle Dr., commented that he went into a business in town and got an earful. He asked what Richard Couturier's position is to the City Council and City government.

Mayor Hyne answered that he resigned his Council seat and is not serving on any City board.

Larry Wittrup commented that he gets the feeling that there is a lot of behind the scenes maneuvering being done by Council. He went into Rollin Quick Change for an oil change and was told by Mr. Rollin "too bad you guys had the meeting, according to the information I got, it's a done deal. It's been taken care of." concerning the rezoning of his business. Mr. Rollin stated that Mr. Couturier came in and said 'don't worry about working with the Planning Commission, it's a done deal'. He told Mr. Rollin that there is a conflict in the Zoning Ordinance, one part of it does not allow one kind of business and if he changes it to another zoning he cannot do the other business. The Planning Commission is working to fix the issue. He hopes someone understands that the Planning Commission needs the ability to address the situation. The Zoning Ordinance is a living document and when it was first put together they knew things would need to be changed. One is a service station cannot also sell cars in the downtown area and a car lot cannot be a service center. His concern is that somebody, not representing the City but speaking on behalf of the City, is saying it is a done deal. He asked if Mr. Couturier is speaking on behalf of anyone on the present City Council.

Mayor Hyne responded that Mr. Couturier is not serving on the Council or any board. She cannot control individual residents in the City, nor can any member of the Council.

Larry Wittrup commented that there are people that believe he serves on Council, but if she is saying that everything is okay then that is fine.

Teresa Wood, 4725 Branch Rd., commented that she is in attendance on behalf of the Chamber of Commerce to report back to their group at their next meeting.

Mayor Hyne: Anyone else? Yes, Ms. Campbell. Please state your name and address thank you.

Terri Campbell: I don't know as I really have to.

Mayor Hyne: Excuse me yes you do thank you.

Terri Campbell: I don't believe that's...

Mayor Hyne: Mr. Stoker are we... do we do that?

Attorney Stoker: You're supposed to do it for everybody correct.

Mayor Hyne: I'll let the City Attorney address you on that then. I'll refer to him.

Terri Campbell: Ummm...

Mayor Hyne: Excuse me I want the City Attorney to address this please on a legal issue. Do we do that?

Attorney Stoker: It's appropriate to request name and address.

Mayor Hyne: It's appropriate to request that?

Terri Campbell: It's appropriate to request, it's not required am I not correct?

Manager Hitchcock: I don't think you can require somebody to, I think you can request.

Attorney Stoker: Well it's going to be difficult and normally it would be difficult to show it in the minutes if you don't reflect a name and address and if they're going to do it uniformly they would try to do it so that everybody would be treated the same.

Terri Campbell: I choose not, you can call me what you want here.

Mayor Hyne: Excuse me, excuse me, no one is calling you anything I deferred to the legal,

Terri Campbell: If you want to call me Terri Campbell that's fine.

Mayor Hyne: Excuse me, I just wanted the City Attorney to address this as a legal if this is what you choose to do and I would like him to comment and if he says it's not required then that's fine. Thank you.

Terri Campbell asked if there have been any non-resident applications submitted. She commented that at the last meeting the Council discussed the opportunity to appoint non-residents to the Planning Commission and she believes the ordinance asks three questions: Do we want to allow non-taxpaying residents to have a say in how our property and businesses look, how our tax dollars are spent and what we can actually do on our own property. She does not like the fact that township people want the advantages of living in a City but not want to pay the taxes and the comment at the last meeting 'if the legislature took the time to pass it and thought it was a great idea, then we should allow it', is not good for Williamston. It does not mean that the way they passed it was well written. If Council passes this it will be the most disrespectful things they could do to the residents and business owners.

Ryan Sweeder, 335 Bismark St., speaking as the Chair of the Parks and Recreation Commission, updated the Council on the island. The Commission is moving ahead. The original plans for burning the island will not be possible due to the Fire Chief denying the permit. This has set the project back

two months. They have come up with a new plan that does not involve burning the island. He commented that there has been a long drawn out process where they were told the Commission could do one thing and then it suddenly shifted. From the Commission it was very problematic. They lost two months of trying to rehabilitate the island as well as costs to the business that is doing the project.

Todd Pierce-Ryan, commented that he is with the Habitat for Humanity, there was an article in the Enterprise concerning their property at 221 Lloyd street and he wanted to acknowledge that they are taking care of those concerns. They are contacting all of the neighbors. Habitat is a community based organization and they do not want to do anything that is against the good of the community as a whole. He believes the concerns brought forth can be addressed. He announced that the last Habitat build they did in Williamston was in 2002 and they are applying for permits for the current Habitat build within a week. They will be demolishing the house of Chris and Mary Pratt and rebuilding it with a healthy home. He commented that he has been approached by some volunteers that were interested in helping with the island project perhaps with the brush. It is something they can do to thank the City for all they do. He encouraged anyone interested to volunteer to help Habitat to call him.

Larry Wittrup, 414 S. Circle Dr., in response to Ryan Sweeder comments, the Fire Chief initially said the island burn would not be a problem. He was told that it is a Council issue and could be addressed in the ordinance.

Mike Herter introduced himself as the Republican candidate for state representative. He added that he will be knocking on doors and left literature. He offered to listen to everyone's concerns.

Melanie Schall, 3150 N. Williamston Rd., read aloud an e-mail to her husband as a member of the Planning Commission: "Hi Bill, I left a voicemail with Manager Hitchcock, and talked personally with Mayor Hyne today during which I told them both my versions of events Thursday night meeting ie. appears to me Councilman Pratt looked and behaved as though he was inebriated, he glared at you for much of the duration he was at the meeting. His body language appeared to be an effort to intimidate, he was louder than usual, I was worried that if there was a trigger from something his behavior could have been escalated to my losing control of the meeting." The reason I bring this up is this past week there was a personnel committee meeting that Moody, Pratt, and Hyne attended and she was told by a resident that there was some verbal lashing again. She listened to the tape and immediately a comment was made that there will be several job cuts in the City of Williamston. When the City employee questioned Moody immediately Hyne took the words to be an attack. She found it interesting that the response to the employee was an attack. Mr. Pratt's response was 'bring it on Alan, any time, any place, bring it on.' In June of 2007 before Hyne was Mayor, she and her husband attended a Council meeting and Mr. Pratt told her husband to take it outside and then he also said bring it on. It brings back bad memories when she listened to the tape of him. After doing research, violence falls within the category of a broader direction which also includes a behavior that is threatening, hostile, or damaging in a non-physical way. This behavior has to stop and he has to be held accountable for it. After looking at the Open Meetings Act and the Attorney General's opinion is that although a breach of the peace is not defined, they referred to case law with examples: to be intoxicated in the public streets of a village in such a manner as to disturb the good order and tranquility of that village would be an act of open violence and would be a breach of peace. Certainly menacing behavior at a Council meeting or any meeting could be a breach of the peace and that can

be the only way you can force someone to leave. At the July 14 meeting Pratt asked you Ms. Hyne if he could ask her husband to take it outside. She asked what the Council will do about it.

Councilman Moody commented that Alan Dolley apologized for raising his voice and yelling at him about an idea for calendars. He felt that it was not brought on by Pratt or Hyne and he did not yell at him.

Melanie Schall commented that Mayor Hyne said it was an attack ~~and~~ on Moody asked Mr. Dolley if he was there as an employee or a resident. She does not believe that should have anything to do with it. He should be allowed to attend as an employee or a resident. She asked how they would feel if they were an employee and a Councilmember says that there is going to be several jobs lost within the next few months. She felt that Council should take management courses and that it is not acceptable to threaten anyone in town.

Attorney Stoker stated that the Attorney General, per the Open Meetings Act, recommends that people identify themselves if they address the Council but it is not required for people to give their address.

Brad Ritter, Enterprise Reporter, asked if it would be appropriate to photograph the meeting.

Attorney Stoker commented that it would be acceptable as long as it is not disruptive.

Terri Campbell, commented that the Council should go through their Charter because it says identification is requested but not required.

Attorney Stoker responded that it is not a requirement to identify yourself unless it is to speak.

Mayor Hyne requested that Council wait to be recognized by the Chair before speaking on items.

6. Council Minutes of July 28, 2008 & August 11, 2008:

Motion by **VanAllsburg**, second by **Moody**, to approve the Council minutes of July 28, 2008 as presented. Yes: VanAllsburg, Zichi, Hyne, Moody, Pratt, Siciliano. No: None. **Motion passed.**

Motion by **VanAllsburg**, second by **Siciliano**, to approve the Council minutes of August 11, 2008 as presented. **Motion passed by voice vote.**

7. Accounts Payable:

Councilman Siciliano reported that the accounts payable totaled \$72,276.44. Reference #'s 55450-55490.

Discussion Re: Red Rock Landscaping:

Moody: We're going to handle the two mowing ones? Did we find out information about there wasn't any approval because you wanted more information on the mowing right?

VanAllsburg: Right.

Zichi: That was in the City Manager's report.

VanAllsburg: All it says is it's going to be handled as a personnel issue, that doesn't mean that we still can't request further information.

Hyne: I have a question on that. Now the bills, I don't have them in front of me physically, they're not...

Pratt: They're not time stamped but they're right here, May and June.

Hyne: They go from May through the end of July is my understanding. Yes.

Pratt: But they're not time stamped so I don't know when they were received.

Hyne: I'm speaking as an individual Council member, this had been for services from May through the end of July, we're into August, the end of August, this is a personnel issue we have staff that is paid to disperse our checks and review our expenditures and you will receive as staff and then we have people in the departments that request these services, so there is a line of approval here and this has been going on for three months. I can't support it, I'm not going to and also on the current expenditures for WLNS on the tv ads for \$2000 I can understand if there is money in a budget that is already approved for advertising and marketing however the way that this presented and the timeline in which it was done I do not approve and I can't approve that also. I just with a clear conscience I cannot do that so.

VanAllsburg: Well I don't think we have any choice but to pay it because they've already done the service but what I'm interested in is that more information as to why that happened. So Lisa did someone take it upon themselves to contract for this without you realizing it?

Manager Hitchcock: Yes they did and that's why after the last meeting I met with the Attorney Toskey and I reviewed it and I met with the employee and this will not happen again. It's been made very clear.

VanAllsburg: Okay thanks.

Moody: I guess when you say that's a personnel matter, that's taken up like as like a disciplinary type of a matter, is that what your saying. Yeah because obviously they incurred costs, there were.

Hyne: My question is though if an employee put out a request for services and a bill for that service comes in or a request for that service I would assume that there's a request that has to be approved.

Manager Hitchcock: There wasn't.

Hyne: There wasn't, they just came out and did it?

Manager Hitchcock: Mmmhmm.

Hyne: Okay because when an expenditure comes in when it was at the meeting you weren't aware of it and we have a Treasurer.

Manager Hitchcock: We had two invoices that came in at the same time.

Pratt: But they're not stamped.

Hyne: But if I may say that my concern is that we have staff and no one brought it to anyone's attention until it came to us and it was noticed in the review by Councilmember Smith and we have staff and it was submitted, it was paid and the Treasurer didn't comment, no one commented on it and if Councilmember Smith didn't bring it to our attention when she reviewed the expenditures no one would have ever known it.

Manager Hitchcock: No I would have known it because I have to review them after your review. Normally I have them before hand but because she had come in so late on Monday, there was no way I could have reviewed them after she did.

Moody: How much was it again for the mowing? I mean what was the full amount?

Pratt: \$725.

Manager Hitchcock: John's got it right in front of him.

Moody: Okay, \$725.

Manager Hitchcock: I believe that's one invoice, there are two invoices.

Pratt: Two invoices from period May and June that was \$425 and the billing period for July was another \$300 so that's \$725.

Hyne: So that's the other issue they're not time stamped.

Moody: Are they normally?

Hyne: My concern is that we have staff in place, no one caught, they're not time stamped, I just have an issue that there seems to be some policy issues that failed. Yes.

Moody: Generally Lisa if someone is going to contract for mowing of a City property you would have to approve it right? So that person, this company doesn't know you have to approve it someone told them to mow it and...

Manager Hitchcock: Right, right, they have approval of up to a certain amount but when you're talking something the City is doing internally that's where I have an issue with it. If we contract out our mowing everywhere then we'd send out for bids for it and you'd have thousands and thousands of dollars per year so.

Moody: I mean I know I'm just speaking from my, if I did something like that in my office I'd be paying for it. They'd say sorry it's not approved, state's not paying for it, you're paying for it and so you know.

VanAllsburg: Well that's an interesting thought.

Moody: I don't contract with anybody unless I've got a signature from the Chief Deputy down there and if it's not it comes out of my pocketbook because that can come out of the state and the citizens you know what I mean it's not appropriately approved. You know it comes out of my pocket then you know what I mean. But I don't know that's a lot of money to come out of some guys pocket I don't know how you feel about that I mean it's citizen money though. Is this mowing that we would have done anyway, I mean would it have been done by us?

Manager Hitchcock: It would have been done by us. You would have paid wages for it and equipment.

Moody: Okay, so it's costs that we would have incurred?

Manager Hitchcock: I wouldn't say at the same rate but we would have incurred costs for it definitely.

Hyne: But my question is we're still paying staff, well I'm not even going to get into that. My question is we have supervisors for the departments, and apparently this is being mowed and no one noticed that a contractor was mowing this and it's being submitted to the Treasurer, that wasn't picked up, it was submitted to Council for review, that wasn't picked up. I guess there's some issues that I have through a string of command here and I don't understand...

Attorney Stoker: Well I mean obviously as I understand it it was an unauthorized action. He probably did not actually create a binding legal contract for you because legal contracts have to be approved by these procedures on the other hand someone mowed the lawn and we let him mow the lawn so we've equitable issues there as well too but as far as is it a binding contract no, it's got to either go through Council or if it's a low enough level go through Lisa in order to bind the City legally. Now apparently you have someone who thought they had more authority than they have.

Hyne: Well and they have a supervisor too who is present at the site is that correct?

Manager Hitchcock: The supervisor is the one that approved it.

Hyne: The supervisor approved it?

Moody: Madame Chair I'd make a motion to recognize another resident.

Hyne: Support?

Zichi: Second.

Hyne: Thank you, yes sir.

Larry Wittrup: What if someone who has forty-five years in the accounting business, and volunteers his time to come over to review the policy the process the procedures, the use of the stamps, everything. I'll be more than happy to do it. Because where you're going now

isn't accomplishing anything. I would love to walk in, sit down with Alan, take a look at his policies and procedures and see if he's doing it, I mean I admit it I was in private industry. God forbid I'd have to work for the City, but I'm just saying I think I would love to volunteer to do that. I mean I've been doing it for forty-five years.

Hyne: That's very generous.

Larry Wittrup: If you want me to do it just say Larry take a look and see if you can come up with some suggestions.

Hyne: I appreciate that that's something that we can certainly discuss and we do as you know we've been appointing community people not just residents to task forces. I'm certainly very interested in that but we also need to make sure that staff who's working here is very well aware of their job duties and their authority and I guess that's where I'm at. Thank you.

Moody: I agree with you I mean there's you know a break down obviously in the system you know someone is approving something they shouldn't be approving you know and we should have their proper disciplinary action occur and you know I'm not sure cost wise if it's fair that and I don't know you know I know we incurred the costs so we would have a problem obviously that that company could come across I guess my question is who bears the cost? Us or the individual who did the action, one of us is going to have to pay, you know I don't want to be flippant with the City's money but I almost feel that's a lot of money for one individual to have to pay, someone's going to have to pay that cost.

VanAllsburg: Yeah I think we...

Attorney Stoker: I don't believe you could probably have the employee required to pay that and I guess it really comes down to whether you're going to pay the contractor or not is what it comes down to.

Moody: Because I would say well then he contracted with him and everything and I guess he's trying to do what he asked. He's an agent of ours right so I guess we would be bound by our...

Attorney Stoker: He's an unauthorized agent.

VanAllsburg: Yeah, I don't think it's going to our reputation any good to not pay somebody that did service for us.

Hyne: Correct.

Pratt: My question to Lisa then can this, as him being a supervisor, can this be billed back to his department as a?

Manager Hitchcock: It already has been.

Pratt: Oh, okay. Okay.

Manager Hitchcock: It will be charged to the right department.

Pratt: So his budget I know he's the one that's going to have to answer to that but I still don't agree that ...

Hyne: But this was out of taxpayers for services that were for...

Pratt: But services have been rendered and I don't think we should hold somebody up just because of that.

Moody: I guess Lisa did you go through maybe a refresher course for everybody so this doesn't happen again?

Manager Hitchcock: Well we're going to go everything in writing and make sure we're following our...

Moody: That's appropriate.

Hyne: That's what I was going to I guess and I'll just state this is where you know I think staff meetings, and things and updates, I don't know if you have any thoughts. I don't want to see anyone short out of their money for services provided but I need to be assured that this isn't going to happen again. We're talking about taxpayer dollars. I'm having a difficult time voting on this, it was over a three month period, that occurred for a three month period, I don't know. If someone can assure me that this is being...

Manager Hitchcock: I will not guarantee you that nobody will ever make mistakes.

Hyne: I'm not talking about not making mistakes, I'm talking about this is one that was caught by Councilmember Smith, it had gone through the different individuals throughout the City staff and it was not brought to anyone's attention so anyway, anyone have any further discussion?

Pratt: That's why I asked that we get these ahead of time. I don't think that this contractor should be jeopardized for an internal problem or whatever.

Hyne: Okay, I just need to be assured what action was taken so I know that this something equitable or...

Manager Hitchcock: I will assure you that I discussed it very intensely with the City Attorney after the last meeting.

Hyne: Did this go in a personnel file?

Manager Hitchcock: It most certainly did.

Hyne: As far as legalities are we bound to approve this, I guess pay for services?

Attorney Stoker: No probably not if you chose to like I said it's probably not a binding contract if you chose to make them sue you over it you may or may not win and you may or may not spend more money than it was worth. But the reality is it is not a binding contract for someone to do unauthorized work, someone basically contracted with a person that has no authority to enter the contract. It's different quite frankly in the area Larry talked about in the private sector, you can hold yourself out and be liable the law actually protects public agencies for this very reason and again you do run into some equitable issues because the person thought he had a contract and spent the time and money doing it but if you chose not to pay it I'm not telling you would lose the lawsuit. You might lose some PR, but I don't think you'd lose the lawsuit.

Hyne: Well it's not the individual who provided the service that I have an issue with I have an issue with various departments in the City that this dropped right through the cracks and I have concerns that if this went on for three months you know and it wasn't.

VanAllsburg: Well remember it only was billed once though.

Hyne: Yeah but his services were requested...

Pratt: You don't know that, it's not time stamped, we don't know when these bills came in.

VanAllsburg: No I said it was only billed once.

Pratt: But they're not time stamped that's what I'm saying to you, it shows you the times you know May June and July but we don't know if both these bills came in on the same day, or if they came in at separate times. That's what I'm saying if they come into City Hall they're time stamped, everything that comes in is time stamped right?

Manager Hitchcock: Yes.

VanAllsburg: It could have been billed twice is what you're saying.

Pratt: Yeah.

Hyne: Okay.

Motion by Siciliano, second by Zichi, to approve the accounts payable as presented including the two checks previously tabled from the last meeting from Red Rock Landscaping. Yes: Moody, Pratt, Siciliano, VanAllsburg, Zichi. No: Hyne. Motion passed.

Discussion ensued regarding the bills from ~~Red Rock Landscaping~~ and the WLNS commercial.

Motion by **Moody**, second by **Zichi**, to allow Larry Wittrup to speak. **Motion passed by voice vote.**

~~Larry Wittrup commented that he has many years of accounting experience and would be willing to look at the accounts payable policies.~~

8. Action Items

8a. Confirm Appointment of Kathleen DeForest and Kevin Smith to the EDC & TIFA:

Kathleen DeForest, 831 S. Putnam St., introduced herself to the Council.

Motion by **Pratt**, second by **Zichi**, to confirm the Mayor's appointment of Kathleen DeForest to the EDC/TIFA Boards. Yes: Hyne, Moody, Pratt, Siciliano, VanAllsburg, Zichi. No: None. **Motion passed.**

Kevin Smith introduced himself to the Council.

Motion by **Pratt**, second by **VanAllsburg**, to confirm the Mayor's appointment of Kevin Smith to the EDC/TIFA Boards. Yes: Moody, Pratt, Siciliano, VanAllsburg, Zichi, Hyne. No: None. **Motion passed.**

8b. Labor Day Bridge Walk:

Mayor Hyne commented that Mr. Buzzitta founded the Bridge Walk and has passed away. She and Jane Reagan believed the walk should continue under Mr. Buzzitta's name. It was brought to her attention that it was not a City event, but she wants to see if Council wants it become a City event.

A 5K race was discussed as an option perhaps for next year. The Williamston Community Library Foundation, Chamber, and businesses are willing to help with the event.

Motion by **Moody**, second by **VanAllsburg**, to approve the Frank Buzzitta Memorial Bridge Walk as a City event and have staff work with volunteers during regular business hours. Yes: Siciliano, VanAllsburg, Zichi, Hyne, Moody, Pratt. No: None. **Motion passed.**

9. Discussion Items

9a. Signs in Right of Way:

Manager Hitchcock reported that the only City that allows signs in the right of way is Alma, and a copy of their ordinance was provided. The Council will review the information provided and discuss it at another meeting.

9b. Sign Permit Fees:

Manager Hitchcock reported that she spoke with the Planner and he would consider the permit fee to be set at a \$15 one time fee like the temporary sign permit fee.

9c. Island Burning:

Councilman Pratt commented that there was an e-mail from the Fire Chief requesting the City change their ordinance.

Manager Hitchcock commented that a possible solution is to allow a controlled burn with notification to the Fire Chief and approval of Council. She added that the smoke would not have been an issue with the controlled burn of the island.

Attorney Stoker commented that this could fit into the ordinance because it allows for a community event.

Councilman Siciliano commented that Mr. Schneider of Wildtype expressed that a controlled burn could not be accomplished this year.

Motion by **Moody**, second by **VanAllsburg**, to allow Larry Wittrup to speak. **Motion passed by voice vote.**

Larry Wittrup commented that it would be better to get volunteers to clean up the island because it is too late in the year to burn the island because it would need to be done again in the spring. He believes the Fire Department is not getting involved in the community. The City should sit down with the Fire Chief and express that the burn needs to be done.

Mayor Hyne commented that she requested a meeting with NIESA and they have not responded.

Larry Wittrup commented that it should be discussed at a NIESA meeting.

Manager Hitchcock commented that she spoke with the NIESA Chair regarding the issue.

Attorney Stoker recommended the Council amend their ordinance although there is an attorney opinion that the current ordinance is acceptable for the controlled burn for the island.

The island project will move forward regardless of the burn issue.

9d. 1st Reading of Planning Commission Ordinance #309:

Councilman Pratt commented that he has heard from both people for the ordinance change and opposed.

Councilman Moody commented that he would be very selective if someone was to apply for the Planning Commission that is a non-resident.

Councilman Siciliano commented that he would be more comfortable if it were stipulated to a stakeholder in the City.

Councilman VanAllsburg commented that he feels the Planning Commission is adamant about not having non-residents on the Planning Commission and he would support their stance. He wants to show respect to the Planning Commission.

~~Mayor Hyne commented that the issue was discussed at the Joint Planning Commission meeting and has been discussed in open meetings. She contacted a House Representative regarding the issue and was told that this opportunity is not to circumvent authority. Mayor Hyne identified who approved the Act and who supports the Act. She believes stakeholders should be able to serve on the Planning Commission.~~

Mayor Hyne: I'm going to follow up with a few comments of my own, we all received the letter and it is now a part of our packets, and I want to make sure that the audience and public know that is available for public review. I guess the points that I would like to make, is as far as communication, it was discussed at the joint meeting between the Council, that we invited the Planning Commission to on June 25th, present at that meeting were those members of the Planning Commission and the Council and there was not a full board I don't believe of either

one and also in attendance were our planners from McKenna that represent the City and advise the Planning Commission Michelle Aniol and Zeb Acuff, also the City Manager Lisa Hitchcock and our City Attorney David Stoker. So this was discussed openly in an open meeting between the boards at that joint workshop June 25th it was an open meeting with public input available and then it was also on the agenda that was posted, so I do want to make note of that and also I had e-mailed out the Legislation and the analysis off the Legislature website to all Commission members, City Council members, the City Manager, and I believe the City Attorney, which is available to any member of the public, you just go to those Legislative websites and it is also available from any Councilmember, Planning Commission member, or City Hall now, for review and then recently I did review, I work in the House and I went through our policy department and with the individual that advises on through the Committee of Intergovernmental Urban and Regional Affairs and asked just for a review of that committee that voted that out of committee that was adopted then by the House and then adopted by the Michigan Senate and we need to be mindful that this was signed also into law by the Governor. This is not an attempt by our local municipal board to circumvent anything or create an appearance of any poor judgment. We are totally looking at an opportunity to present it to us as a board to adopt something that has been approved by our Legislature and our Governor and the Committee that it came out of in the House the Intergovernmental Urban and Regional Affairs just to note it has Democrat and Republican House members and it was approved, let's see here, it was approved, I can tell you who approved this, our own Representative Byrum approved this measure, Representatives Young, Coors, Debachman, Pebble, Mecoff, Mitz, and Optsemeyer, so a pass was given to Representative Meadows and those absent were Fair and Johnson, so it was voted and approved by both isles of the House and I also took it upon myself to gain information on the purpose of this. I called the Michigan Municipal League and I spoke to Mr. Schor on this issue and he sent me a little bit of information based on our conversation and he said basically what this is, is a preservation of local control, it was and please correct me Attorney Stoker, but he said that you know it basically combines the townships and the municipal governments under consistent rule of law and that as Councilmember Siciliano stated in some communities they do have problems getting individuals to serve on Planning Commissions and that was an issue and that was one of the reasons why to at least look at this and to give that opportunity and also there are issues where you have long serving Commission members on the Planning Commission who move out of the City for various reasons and in order to still receive that benefit of knowledge some communities through their elected officials have wanted to preserve that member of the ability to serve on that committee and also even though there are still individuals who pay property taxes as far as what we've discussed, business owners, and not only business owners but maybe people who have rentals or investment properties within the City, they do pay taxes and their rate of taxes is a little bit higher on a commercial property but they have a stake in our community even though they don't live here and then also they have stake in trying to revitalize their community just like any other member and for financial growth and also I think what is very important is to remember that we as a Council and this is what Mr. Shore stated, that we are elected officials and the gist of this also was to give the local officials the ability to decide if they do or do not want to put non-electors on the Planning Commission they want to give this to the local elected officials since we are accountable to the voters of this community and also it was stated that the preference was to simply eliminate the language deal with this and leave the act silent but he said they do agree to the language so they do support this measure and also I would like to note the organizations that do support this is the Michigan Municipal League, the Michigan Association of Counties, the

Michigan Townships Association, the Michigan Realtors, Michigan Environmental Council, the Department of Environmental Quality, Homebuilders, and the Michigan Association of Planners, all support this public act.

Councilman Pratt commented that it is not required that two non-residents be appointed, but should be used as an option.

Mayor Hyne commented that the e-mail received from the Planning Commission is very unfortunate. She added that there is not an agenda by the Council to approve the ordinance. The ordinance is taking advantage of an opportunity provided. A conflict of interest would have to be disclosed for someone to serve on the Planning Commission.

Larry Wittrup commented that this has been a surprise to the Planning Commission. He added that he has heard that there are people that Council has an idea of who they want to appoint already. He advised that potential applicants should attend Planning Commission meetings and have also attended classes. He believes someday Williamstown Township and the City will have one Planning Commission, but people are very defensive when it is suggested that there needs to be new people on the Planning Commission.

Mayor Hyne commented that there are people that serve on other City boards that do not live in the City.

Larry Wittrup responded that everything that is decided by the Planning Commission is decided from the City's Zoning Ordinance.

Mayor Hyne commented that she has much respect for Chair Reagan, and believes it is unfortunate that people feel this way.

Councilman Moody asked how many are currently on the Planning Commission.

Manager Hitchcock responded that there are nine members possible, but only seven currently on the board.

Councilman Zichi commented that he does not believe it is unfortunate to have the e-mail, but it is useful to have the information. He believes it is not miscommunication, and believes if the Council disagrees with the e-mail they need to be very clear why.

Mayor Hyne commented that there was a lot of presumption and perception, and there were very strong statements that made insinuations toward the Council. She believes she has treated everyone fairly.

Councilman Pratt asked Attorney Stoker if people could continue to serve even if their term has expired.

Attorney Stoker responded that people can continue to serve on the Commission until a new member is appointed or they are reappointed.

Councilman VanAllsburg commented that the relationship is very strained with the Planning Commission, and they may be overreacting, but why are they overreacting.

Mayor Hyne commented that she would like to know where everyone is hearing the information from.

Larry Wittrup responded that the mistrust also comes from the community.

Mayor Hyne commented that she tries to keep communications open and honest and it is important to communicate whether they agree or disagree.

11. Staff Reports

11a. City Manager:

Manager Hitchcock submitted a written report for Council review.

11b. City Attorney:

No report.

12. Audience Participation:

Terri Campbell, commented that when the subcommittee looks at the issues they need to realize that the business owners should take some responsibility for their role in the process. If they are provided with a list and have problems they should be accountable enough for themselves to contact someone at the City.

13. Council Member Comments:

Councilman Zichi, reminded everyone that the first football game will be Thursday, August 28, 2008.

Councilman Siciliano, congratulated Daniel Shuck on achieving Eagle Scout status.

Councilman Moody, asked if there is a password to get on the MML administrative site.

Manager Hitchcock answered that she will check into it and e-mail him the information.

Councilman Moody commented that he contacted other municipalities about how they function. He has not received any information back yet. Regarding the conspiracy concerns, he does not know of any. He added that the State also faces the same issues. He commented that the City should be more pro-active with businesses to help them through the City processes since they are investing their time and money. He wants the City to continue to grow.

Councilman VanAllsburg, congratulated the Williamston Theatre on receiving the Busby Award.

Councilman Pratt, commented that on September 11 the bandshell will have their first performance by the Lansing Concert Band to be dedicated to 9-11-01. He added that there are holes in the screens in council chambers.

Mayor Hyne, commented that reiterated the bandshell has been a five year process and is a benefit to the entire community. She congratulated Dan Shuck and his family for his Eagle Scout status. She commented that the Personnel Subcommittee that was held and regarding the staff member that

was present spoke loudly and it was not clear whether he was staff or a member of the public. She commented that the Police Chief attends all Council meetings by direction of the Council. She added that Mr. Couturier did serve on the Council and did resign. She is not aware of any secret meetings going on and he does not represent the City as an official. Mayor Hyne encouraged people to continue to communicate with the Council.

15. Adjournment:

Motion by **Zichi**, second by **Pratt**, to adjourn. **Motion passed by voice vote.**

***Meeting Adjourned at 10:20 p.m.**

***THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

Respectfully Submitted by: _____

Lisa K. Hitchcock, City Clerk/Manager

Michelle A. Hyne, Mayor

Date Approved: _____